

REMARKS

This Response is submitted in response to the Office Action mailed May 18, 2004, Claims 1, 6, 20, 21, 22, 29, 34, 35, 37, 38 and 39 have been amended. No new matter is added by these amendments. A check in the amount of \$520.00 is submitted to cover the cost of the new claims. Please charge Deposit Account No. 02-1818 for any additional fees owed.

The Office Action rejected Claims 1, 21, 22, 29, 37, 38, and 39 under 35 U.S.C. §112. Claims 1, 21, 22, 29, 37, and 39 have been amended to clarify that the display device displays the selections under the control of the processor. Claim 38 has been amended to clarify that the processor causes "the display device to display device to present at least one of the selections having values from a first one of the ranges during a first time period, and causes the display device to present at least one of the selections having a value from a second ranges when a selection having a velocity-change is selected from the first range." The selections are therefore positively linked to the processor in all of these claims and it is respectfully submitted that this rejection should be withdrawn. The Office Action indicated that Claims 22, 37 and 39 would be allowable if the §112 rejection was overcome. It is therefore respectfully submitted that Claims 22 to 37 and 39 are in condition for allowance.

The Office Action rejected Claim 38 under 35 U.S.C. §112. The Office Action indicated that it "does not appear to be disclosed in the specification that a selection can yield both a value and a velocity change." Page 4, lines 18 to 20 of the present application expressly disclose this. Specifically, these lines provide that:

When the player selects a masked choice, the gaming device provides a value. The gaming device may also generate a rate change, velocity change or speed-change, primarily referred to herein as a speed-change.

Note that the word "also" is used in the second sentence. It is therefore respectfully submitted that this rejection should be withdrawn.

The Office Action rejected Claims 1 to 2, 16 and 21 under 35 U.S.C. § 103(a) as being obvious in view of Yamaguchi. The Office Action rejected Claims 1 to 3, 15, 17 to 18, 21 and 29 to 30 under 35 U.S.C. § 103(a) as being obvious over Press Your Luck.

Applicant does not agree with these rejections. However, the Office Action indicated that Claims 4 to 14, 19 to 20, 23 to 28, and 31 to 36 would be allowable if rewritten in independent form, and accordingly applicant has amended the claims and added new claims in accordance with this indication of allowable claims to place this application in condition for allowance. Applicant reserves the right to seek protection for claims of identical or similar scope for the rejected claims.

More specifically,

- (1) Claim 4 has been cancelled and rewritten as new Claim 40;
- (2) Claim 5 has been cancelled without prejudice or disclaimer and the element of Claim 5 has been added to Claim 1;
- (3) Claim 6 has been amended to depend from Claim 1;
- (4) Claim 14 has been cancelled and substantially rewritten as new Claim 41;
- (5) Claims 18 and 19 have been cancelled and rewritten as new Claim 42;
- (6) Claim 20 has been amended to depend from Claim 42;
- (7) Claim 21 has been amended to include the element of Claim 5;
- (8) Claim 29 has been amended to include the element of Claim 31 and Claim 31 has been cancelled without prejudice or disclaimer;
- (9) Claim 32 has been cancelled and rewritten as Claim 43;
- (10) Claim 33 has been cancelled and rewritten as Claim 44; and
- (11) Claims 34 and 35 have been amended to depend from new Claim 44;

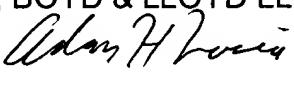
It is therefore respectfully submitted that these claims are now in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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BY


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